

NOTE: This order is nonprecedential.

United States Court of Appeals  
for the Federal Circuit

**In re: GOOGLE LLC,**  
*Petitioner*

2021-170

On Petition for Writ of Mandamus to the United States District Court for the Western District of Texas in No. 6:20-cv-00881-ADA, Judge Alan D. Albright.

## ON MOTION

Before BRYSON, *Circuit Judge*.

## ORDER

Google LLC moves to stay claim construction proceedings in the underlying case, pending this court's consideration of Google's petition for a writ of mandamus seeking to transfer that case, and for an interim stay.\* Google states that Sonos, Inc. opposes.

\* Because the claim construction hearing Google seeks to stay is scheduled for August 10, 2021, a single judge of this court is deciding these motions. *See* Fed. R. App. P. 8(a)(2)(D) (explaining that “in an exceptional case

The court considers four factors in evaluating a motion for a stay pending appeal: (1) whether the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of the injunction will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). Without prejudicing the ultimate disposition of the petition, the court concludes that Google has not established that a stay pending that petition is warranted here.

Accordingly,

IT IS ORDERED THAT:

The motion (ECF No. 5) is denied.

FOR THE COURT

August 06, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

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cc: United States District Court for the Western District of  
Texas

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in which time requirements make [consideration by a panel] impracticable, the motion may be made to and considered by a single judge”).